

[ORAL ARGUMENT NOT YET SCHEDULED]
No. 12-7111

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

TRITA PARSI and NATIONAL IRANIAN AMERICAN COUNCIL,

Appellants,

v.

DAILOESLAM SEID HASSAN,

Appellee.

**Appeal from a Final Judgment, and Underlying Orders, Entered by the
United States District Court for the District of Columbia (D.C. No. 1:08-
cv-00705-JDB) (The Hon. John D. Bates, Presiding)**

**PAGE-PROOF OPENING BRIEF OF APPELLANTS
TRITA PARSI AND NATIONAL IRANIAN
AMERICAN COUNCIL**

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August 15, 2013

**CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED
CASES**

Under Circuit Rules 27(a)(4) and 28(a)(1), Appellants Trita Parsi and National Iranian American Council (collectively “NIAC”) certify as follows:

A. Parties: The parties to this appeal are Appellants Trita Parsi and the National Iranian American Council, and Appellee Seid Hassan Daioleslam. Parsi and NIAC were the plaintiffs in the underlying district court case, and Hassan was the sole defendant.

B. Rulings Under Review: NIAC seeks review of the following district court orders: (1) underlying orders regarding NIAC’s alleged discovery violations entered on July 1, 2010 (JA__-__), March 29, 2011 (JA__-__), and August 30, 2011 (JA__-__); (2) the district court’s September 13, 2012, order (and accompanying memorandum opinion) awarding attorneys’ fees and costs to Hassan for supposed discovery violations (JA__-__) (Parsi v. Daioleslam, 286 F.R.D. 73 (D.D.C. 2012)); (3) the district court’s April 8, 2013, memorandum opinion and order awarding Hassan \$183,480.09 plus post-judgment interest (JA__-__); and (4) the district court’s judgment dated April 9, 2013 (JA__). The district court judge who issued all of these rulings is The Hon. John D. Bates. Except for the September 13, 2012, ruling, none of the other rulings has an official citation.

C. **Related Cases:** This case has not been before this Court previously, and counsel for NIAC is not aware of any related cases pending in this Court or any other federal courts of appeals.

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* <u>Mergentime Corp. v. Washington Metro Area Transit Auth.</u> , 166 F.3d 1257 (D.C. Cir. 1998).....	49, 67
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GLOSSARY

3/5/2010 Min. Order	District court's March 5, 2010 Minute Order (JA___)
CEO	Chief Executive Officer
Compl.	Complaint in district court filed by NIAC and Trita Parsi on April 25, 2008 (JA___-__)
CPU	Central Processing Unit
Daioleslam 3/4/2010 Exs.	Exhibits attached to Daioleslam's first motion to compel, filed on March 4, 2010 (JA___-__)
Daioleslam 3/4/2010 Mot. Compel	Memorandum supporting Daioleslam's first motion to compel, filed on March 4, 2010 (JA___-__)
Daioleslam 6/2/2010 Exs.	Exhibits attached to Daioleslam's supplemental memorandum, filed on June 2, 2010 (JA___-__)
Daioleslam 6/2/2010 Supplemental Mem.	Daioleslam's supplemental memorandum, filed on June 2, 2010 (JA___-__)

Daioleslam 7/1/2011 Exs.

Exhibits attached to
Daioleslam's motion to
compel production of
server, filed on July 1,
2011 (JA__-__)

Daioleslam 7/1/2011 Mot. Compel

Memorandum supporting
Daioleslam's motion to
compel production of
server, filed on July 1,
2011 (JA__-__)

Daioleslam Disc. Status Report

Daioleslam's discovery
status report, filed on
February 14, 2011
(JA__-__)

Daioleslam Disc. Status Report Exs.

Exhibits attached to
Daioleslam's discovery
status report, filed on
February 14, 2011
(JA__-__)

Daioleslam Omnibus Sanctions Mot.

Daioleslam's
memorandum supporting
omnibus sanctions
motion, filed on
September 16, 2011
(JA__-__)

Daioleslam's Proposed Form of Order

Proposed form of order
filed by Daioleslam on
June 8, 2010 (JA__-__)

Daioleslam Reply Mem. Exs.

Exhibits attached to Daioleslam's reply to NIAC's opposition to Daioleslam's motion to compel production of server, filed on August 16, 2011 (JA__-__)

Docket Nos.

Docket numbers of documents filed in the district court in Parsi v. Hassan, 1:08-cv-705 (JDB) (JA__-__).

ESI

Electronically Stored Information

Gmail

Google Mail

IIC

Iranians for International Cooperation

IT

Information Technology

J.

Final judgment entered by district court on April 8, 2013 (JA__-__)

Mem. Op. 1

Memorandum opinion issued by the district court on February 4, 2009 (Parsi v. Daioleslam, 595 F.Supp.2d 99 (D.D.C. 2009)) (JA__-__)

Mem. Op.2

Memorandum opinion issued by the district court on September 13, 2012 (Parsi v. Daioleslam, 890 F.Supp.2d 77 (D.D.C. 2012)) (JA__-__)

Mem. Op.3

Memorandum opinion issued by the district court on September 13, 2012 (Parsi v. Daioleslam, 286 F.R.D. 73 (D.D.C. 2012)) (JA__-__)

Mem. Op. 4

Memorandum opinion and order issued by the district court on April 8, 2013 (JA__-__)

NIAC

National Iranian American Council

NIAC 3/4/2010 Opp'n

NIAC's memorandum in opposition to Daioleslam's first motion to compel, filed on March 4, 2010 (JA__-__)

NIAC 6/2/2010 Exs.

Exhibits attached to NIAC's supplemental opposition to Daioleslam's first motion to compel, filed on June 2, 2010 (JA__-__)

NIAC 6/2/2010 Supplemental Opp'n	NIAC supplemental opposition to Daioleslam's first motion to compel, filed on June 2, 2010 (JA__-__)
NIAC Disc. Status Report	NIAC's discovery status report, filed on February 15, 2011 (JA__-__)
NIAC Mot. Recons.	NIAC's memorandum supporting its motion for reconsideration of district court's July 1, 2010, order, filed on July 15, 2010 (JA__-__)
NIAC Mot. Recons. Exs.	Exhibits attached to NIAC's memorandum supporting its motion for reconsideration of district court's July 1, 2010, order, filed on July 15, 2010 (JA__-__)
NIAC's Objections to Proposed Form of Order	NIAC's objections to Daioleslam's proposed form of order, filed on June 10, 2010 (JA__-__)
NIAC Opp'n Exs.	Exhibits attached to NIAC's memorandum opposing Daioleslam's July 1, 2011, motion to compel, filed on August 1, 2011 (JA__-__)

NIAC Opp'n to 7/1/2011 Mot. Compel	NIAC memorandum opposing Daioleslam's July 2, 2011, motion to compel, filed on August 1, 2011 (JA__-__)
NIAC Opp'n to Omnibus Sanctions Mot.	NIAC's opposition to Daioleslam's Omnibus Sanctions Motion, filed on October 28, 2011 (JA__-__)
NIAC Reply Mem. Mot. Recons.	NIAC's reply memorandum to Daioleslam's opposition to NIAC's motion for reconsideration, filed on July 30, 2010 (JA__-__)
Not. Appeal	NIAC's notice of appeal, filed on October 12, 2012 (JA__-__)
Order I	District court's July 1, 2010, order (JA__-__)
Order II	District court's August 6, 2010, order (JA__-__)
Order III	District court's March 29, 2011, order (JA__-__)
Order III	District court's August 30, 2011, order (JA__-__)
Outlook	Microsoft Outlook

PwC

PricewaterhouseCoopers

pst

Personal Storage Table

Tr.1

Transcript of June 3,
2010, telephonic
conference
(JA__-__)

Tr.2

Transcript of September
15, 2010, status
conference (JA__-__)

Tr.3

Transcript of December
17, 2010, status
conference (JA__-__)

Tr.4

Transcript of March 4,
2011, motions hearing
(JA__-__)

Tr.5

Transcript of June 3,
2011, status conference
(JA__-__)

Tr.6

Transcript of August 30,
2011, discovery hearing
(JA__-__)

Tr.7

Transcript of July 6,
2012, motions hearing
(JA__-__)